

APPEAL NO. 180107
FILED FEBRUARY 20, 2018

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 21, 2017, in (city) Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the respondent (claimant) had disability from July 11, 2017, through the date of the CCH resulting from an injury sustained on (date of injury). The appellant (carrier) appealed, disputing the ALJ's disability determination. The claimant responded, urging affirmance of the disputed disability determination.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. No audio recording of the CCH is available for review. The file does not contain a transcript or an audio recording of the proceeding. Consequently, we reverse and remand this case to the ALJ who presided over the November 21, 2017, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

Additionally, as a condition of being issued a certificate of authority to engage in the business of insurance in Texas, alien or foreign insurance companies are required to appoint a person in Texas as agent for service of process on whom any process to be served on the company may be served. See Texas Insurance Code Section 804.103(b); also Texas Labor Code Sections 401.011(28) and 410.204(d). The carrier is required to provide both a name and a physical address of a registered agent for service of process in Texas. See *generally* APD 011845-s, decided September 11, 2001; see *also* Section 410.164(c). In this case, the carrier provided the address of a registered agent in the state of New Jersey; a post office box for the address; and failed to provide a name. Therefore, the case is also remanded for the carrier to provide the required information for its registered agent in Texas.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the ALJ, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in

the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge